

FISCAL NOTE

SB 3101 - HB 3391

February 14, 2004

SUMMARY OF BILL:

- Rewrites and consolidates provisions covering telecommunication theft and theft of cable television services. The bill also redefines these acts as communication theft and expands the definition to include theft of any service lawfully provided for a charge to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images, and sounds or intelligence by any method, including but not limited to, telephone, television, satellite, and Internet distribution system, network or facility.
- Specifies that conduct violating provisions of this bill also constitutes theft of services and may be prosecuted under either provision, but not both. Conduct that violates provisions of this bill is either commenced or consummated in this state and may be prosecuted in this state. Violations would be punished as theft depending on the value of the service. First violation of theft of service shall be punished by fine only if the value of the services obtained is less than \$1,000. Any violation, regardless of the value of the services obtained, involving five or more communication devices or unlawful access devices would be punished no lower than a Class D felony.
- Provides also that a communication service provider may institute civil action and the aggrieved party may elect to have actual damages or statutory damages in an amount of not less than \$750 nor more than \$5,000 for *each* communication device or unlawful access device involved in an action. If aggravating factors are present, the court may increase damages up to \$50,000.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$10,000/Incarceration*

Increase State Revenues - Not Significant

Increase Local Govt. Revenues - Not Significant

Increase Local Govt. Expenditures - Not Significant

Estimate assumes:

- one additional Class D felony conviction each year based upon the application of the offense involving unlawful communication devices to an expanded range of services and clarification regarding venue to bring charges.

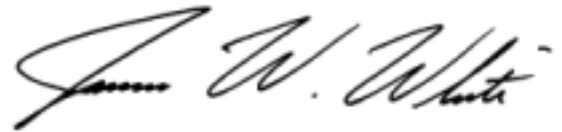
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- increases in state and local revenues resulting from fines imposed and collected for theft of services are not estimated to be significant.
- some increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenues from fees, taxes and costs collected. However, such increases will not be significant.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a long horizontal stroke at the end.

James W. White, Executive Director